

Serial No.: 09/804,051
Docket No.: MIO 0069 PA

Remarks

Claims 2, 6-8, 25-36, 47, 49-51, 53-57, and 63 are pending in the present application. Withdrawn claims 50, and 60-62 are now canceled. New claim 63 has been added. No new matter has been entered.

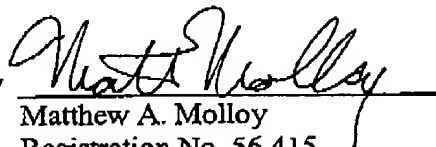
Double Patenting Rejection

Claims 2, 6, 8, and 57 were rejected under the judicially created doctrine of obviousness-type double patenting based on claims 1-16 of Vaiyapura (U.S. 6,507,107) further in view of Suzuki (U.S. 5,532,910). Because Vaiyapura is commonly owned, applicants file herein a terminal disclaimer under 37 CFR 1.321 in accordance with the examiner's suggestions. Accordingly, the rejection for double patenting should be removed.

The Applicants respectfully submit that the application is now in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully requested.

Respectfully submitted,

DINSMORE & SHOHL LLP

By 
Matthew A. Molloy
Registration No. 56,415

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402
Telephone: (937) 449-6400
Facsimile: (937) 449-6405
e-mail: matthew.molloy@dinslaw.com